

FISH & WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: August 7, 2014

Agenda Item: Commercial Use Administrative Rules

Division: Fisheries and Wildlife

Action Needed: Final

Time Needed on Agenda for this Presentation: 10 minutes

Background

In April the F&W Commission, in conjunction with the Parks and Recreation Board, proposed amendments to the Commercial Use Administrative Rules for all FWP land, including fishing access sites, wildlife management areas, and state parks. The proposed amendments included:

- FAS Permit would only be required at fishing access sites and would no longer be required at state parks that provide access to water.

- Restricted Use Permit would be renamed Commercial Use Permit.

- New rule would list the causes for suspending or revoking a commercial use permit.

- Permit holder would have to donate all proceeds from an activity or event, minus expenses, to qualify for a fee adjustment.

The commission and the board are scheduled to make a final decision at their August meetings.

Public Involvement Process & Results

There were six public comments (summarized below).

- Opposition to proposal to exempt individual commercial photographers from rules.

- Support for amending “nonprofit organization,” to include all 501(c) organizations.

- Recommendation to allow agents (guides) to collect fees on behalf of outfitters.

- Support for proposed new rule pertaining to causes for suspending or revoking a permit.

- Recommendation to focus on illegal outfitting & fishing regulations, rather commercial use.

- Recommendation to establish a recreational fee for non-commercial users.

Alternatives and Analysis

The commission could adopt the rules as originally proposed or adopt the rules with changes as recommended by FWP.

Agency Recommendation & Rationale

FWP recommends that the commission, in conjunction with the board, adopt the rules as proposed with one change: Amend New Rule I to remove the term “repeated” from the list of causes for suspending or revoking a permit. This change is recommended by the Enforcement Division, which noted that there may be violations that are egregious enough to warrant a suspension or revocation without repeated occurrences.

Proposed Motion

I move that the commission adopt the amendments to the commercial use administrative rules as proposed with the change recommended by FWP pending adoption by the State Parks and Recreation Board.